



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22303-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 828,480	04 09 2001	Robert Bjekovic	225 49820	6774

7590 05 15 2003

Crowell & Moring LLP  
Intellectual Property Group  
P O Box 14300  
Washington, DC 20044-4300

EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 05-15-2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/828.480

Applicant(s)

BJEKOVIC ET AL

Examiner

Elizabeth M Cole

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 24 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1,3-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 6) ☐ Other:

Art Unit: 1771

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-25, ~~27-29~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over

EP 418,772 in view of Stricker et al. U.S. Patent No. 5,670,235.

EP 418,772 discloses a laminate comprising a plurality of layers of thermoplastic film with sealing layers having a fiber layer disposed therebetween. The sealing layers have a melting point lower than the melting point of the thermoplastic films. Looking at fig 5, it is apparent that EP 772 discloses a structure having plural fabric layers, (3, 3', etc.) and plural sealing layers, (5, 5', etc).

EP 418,772 differs from the claimed invention because EP 418,772 does not incorporate a foam layer into the laminate and does not teach that the fibers of the reinforcing fabric should partially melt during molding. Stricker et al teaches that in forming a molded panel material comprising a plurality of layers including foam layers, thermoplastic layers and fabric layers, it is advantageous if the fabric layers partially melts at least in the portion of the fabric adjacent to the thermoplastic layer, in order to more strongly bond the layers. See col. 7, lines 39-45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a fabric material such that the fibers of the fabric would partially melt in the laminate of EP 772. One of ordinary skill in the art would have been motivated to employ a fabric wherein a portion of the fibers would melt during bonding to the other layers in order to enhance the

Art Unit: 1771

strength of the bonds between the various layers of the material. Stricker teaches that it is important that most of the fibers not melt so that the fabric retains its integrity. Stricker teaches controlling the processing conditions so that only those fibers on the surface of the fabric will melt. Therefore, Stricker teaches that the amount of fibers to be melted should be optimized during the fabrication process so that a strong bond is formed without the fabric integrity being destroyed. It further would have been obvious to have incorporated a foam layer in order to enhance sound deadening and insulating properties as taught by Stricker et al. With regard to the fiber widths, and the placement of the fabric, foam and thermoplastic layers, it would have been obvious to one of ordinary skill in this art to have optimized the properties desired in the final product through the arrangement of the layers.

3. Applicant's arguments filed 2/24/02 have been fully considered but they are not persuasive. Applicant's statement that EP '772 does not teach that the sealing layers have a melting point equal to or higher than the melting point of the plastic films, but instead have a melting point lower than the melting point of the plastic films is correct. The office action inadvertently misstated what the reference clearly teaches. This has been corrected in the rejection set forth above. However, the rejection is maintained because although EP'772 is silent as to the benefits of having a portion of the fibers of the fabric reinforcing layers melt, Stricker clearly teaches that having a portion of the fibers melt while maintaining the structural integrity of the majority of the fibers and the fabric as a whole results in an improved bond between the various layers of the materials of a laminate comprising plastic film layers, fabric layers and foam layers. Thus, given

Art Unit: 1771

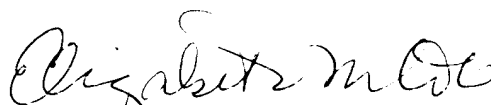
the teaching of Stricker, one of ordinary skill in the art would have been motivated to select a fabric and to perform the bonding steps as taught by Stricker so that a portion of the fibers at the surface of the fabric melted during bonding. However, since the art was mistakenly characterized in the first action, this action will not be made final.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.



Elizabeth M. Cole  
Primary Examiner  
Art Unit 1771

e.m.c

May 13, 2003